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\* BOARD CERTIFIED: PERSONAL INJURY TRIAL  
LAW TEXAS BOARD OF LEGAL SPECIALIZATION

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TEXAS BOARD OF LEGAL SPECIALIZATION

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‡ LICENSED IN NEW YORK STATE

April 7, 2006

Clerk  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn NY 11201

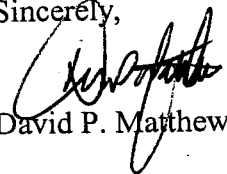
Courtesy copy to:  
Honorable Jack B. Weinstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn NY 11201  
via Federal Express

Re: In re: Zyprexa Products Liability Litigation  
MDL 1596

Dear Sirs:

Enclosed is my Application for Appointment to the Plaintiffs' Steering Committee and for Participation in Plaintiffs' Discovery and Science Committees. The Court's favorable consideration of this Application would be very much appreciated. This Application has been previously discussed with Special Master Woodin and the current PSC members.

Sincerely,

  
David P. Matthews

DPM/jan  
enclosure

cc(w/encl)  
Chris Seeger

*Application  
Reviewed. JHE  
4/11/06*

*gl  
Hansen*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**In re: ZYPREXA PRODUCTS LIABILITY  
LITIGATION**

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**MDL No. 1596**

This document is applicable to ALL CASES

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**APPLICATION FOR APPOINTMENT TO  
PLAINTIFFS' STEERING COMMITTEE and  
FOR PARTICIPATION IN THE PLAINTIFFS'  
DISCOVERY and SCIENCE COMMITTEES  
by DAVID P. MATTHEWS**

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The undersigned, David P. Matthews, respectfully requests appointment to the Plaintiffs' Steering Committee, and for participation in the Plaintiffs' Discovery and Science Committees.

1.

Case Management Order No. 1, signed by the Court on June 15, 2004, appointed Plaintiffs' Liaison Counsel, the Chair, Vice-Chair and eleven other Members of the Plaintiffs' Steering Committee. The Hon. Jack B. Weinstein noted on such Order that "this order is subject to change on motion of any party or on Court's own motion."

Paragraph 4 of CMO No. 1 sets forth the responsibilities and duties of the members of the Plaintiffs' Steering Committee at pages 3 through 6.

2.

The undersigned respectfully submits to the Court, the parties to this litigation and their

counsel, that he is qualified for and should be appointed to participation in the Plaintiffs' Steering Committee and participation in the Plaintiffs' Discovery and Science Committees.

The undersigned offers:

- a) his willingness and availability to commit to a time-consuming project;
- b) his ability to work cooperatively with others;
- c) his professional experience and qualifications to perform the duties of a member of the Plaintiffs' Steering Committee; and
- d) his professional experience in this type of litigation;

all as further discussed below. He is well versed in multi-district litigation procedures and requirements and familiar with the Manual for Complex Litigation, Fourth (MCL 4<sup>th</sup>).

3.

The undersigned is a partner at Abraham, Watkins, Nichols, Sorrels, Matthews, & Friend in Houston, Texas. He was first licensed to practice law in 1988 and is currently admitted to practice in the States of Texas, Mississippi and New York, with an application pending in the State of Wisconsin. He is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization, A-V rated by Martindale Hubbell, and has tried over 100 cases to jury verdict. His professional accreditations and memberships include membership in the American Board of Trial Advocates, National Board of Trial Advocacy, the Texas Trial Lawyers Association, the Association of Trial Lawyers of America, Houston Trial Lawyers Association, and local, state and federal bar associations.

4.

David Matthews and others in his firm have been actively involved in mass tort and pharmaceutical litigation since 1966, and have represented thousands of clients in Fen Phen I, the

current Fen Phen, Rezulin, PPA, Baycol, Sulzer Hip Replacement, Vioxx, Celebrex/Bextra and other pharmaceutical injury claims. He represented the interests of more than 12,000 Rezulin litigants and claimants, and successfully resolved those claims by settlement. He presently participates as a member of the Federal Vioxx MDL Science and Discovery Committees. In the Texas Vioxx MDL he is a member of the Plaintiffs' Steering Committee and the firm of Abraham Watkins serves as the Texas State Document Depository for Vioxx Plaintiffs' Counsel. He presently has the first Texas Vioxx MDL case set for trial in November, 2006.

5.

The undersigned represents over a thousand individuals who have been injured by Zyprexa. None of these clients' claims are included in the confidential Master Settlement Agreement that certain plaintiffs' counsel, including all plaintiffs' counsel who are members of the Plaintiffs' Steering Committee, have signed.

6.

The undersigned is actively participating in court appearances and meetings with PSC members and others regarding the need to complete the necessary discovery in the Zyprexa Products Liability Litigation, to review and code the documents produced to date by Defendant, and to bring these matters to trial or other conclusion.

7.

The undersigned is qualified and willing to participate in the remaining discovery matters, including the resumption of document production, scheduling substantive depositions, expert discovery, trial preparation, trial and settlement or other negotiations.

8.

The undersigned knows of nothing that would bar his appointment to the Plaintiffs' Steering Committee and his participation in the Plaintiffs' Science and Discovery Committees, and respectfully seeks the Court's appointment.

Respectfully submitted,



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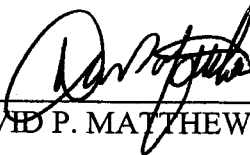
DAVID P. MATTHEWS  
New York State Bar No. 640168  
Texas State Bar No. 13206200  
800 Commerce  
Houston Tx 77002  
713 222 7211  
713 225 0827 (facsimile)

**AFFIDAVIT**

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared DAVID P. MATTHEWS, who being duly sworn, stated on oath the following:

My name is DAVID P. MATTHEWS. I make this application for appointment to the Plaintiffs' Steering Committee in the Zyprexa Products Liability Litigation, Federal MDL 1596, and for participation in the Plaintiffs' Discovery and Science Committees. I have read the Application above and the statements of fact therein are all true and correct. I further affirm my willingness, desire and availability to perform the duties for which I am seeking appointment.



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DAVID P. MATTHEWS

2006. SUBSCRIBED & SWORN TO by the said DAVID P. MATTHEWS this 7 day of April,



Mary Broussard  
Notary Public in and for  
Harris County, State of Texas  
Name \_\_\_\_\_  
Commission expires \_\_\_\_\_

### Certificate of Service

A true and complete copy of the foregoing has been served upon counsel for Defendant Eli Lilly and Company, Plaintiff Liaison Counsel and the members of the Plaintiffs' Steering Committee by facsimile service as shown and to all by U. S. Mail, this 7<sup>th</sup> day of April, 2006, addressed to:

Christopher A. Seeger, Liaison Counsel  
Seeger Weiss LLP  
One William Street  
New York NY 10004  
212 584 0799

David P. Matthews  
David P. Matthews